

ED and Chairman Report: Thursday, November 21, 1996

1. Call to Order/Roll Call.

Call on Margit to take roll.

2. Public Comments.

This is the time for public comments on items NOT on the agenda.

3. Minutes of October 24, 1996 Meeting.

Are there any comments or corrections on the draft minutes?  
Needs MOTION; SECOND; VOICE VOTE.

4. Chairman's Report.

The next meeting of the Delta Protection Commission is scheduled for Thursday, December 19, 1996 at 6:30 p.m. in the Jean Harvie Community Center. Tentatively scheduled for consideration are: a vote on the City of Stockton's proposed General Plan amendment and review of the Commission's annual report to the Governor and Legislature.

5. Attorney General's Report.

Call on Rick Frank.

6. Executive Director's Report.

\* 10% Penalty Fund is now up to \$3,219.62

\* Agricultural Waterfowl Incentive Program: USFW and Bureau of Reclamation will provide incentives for farmers to flood their fields for appropriate time periods during the year for the benefit of migratory waterfowl and to enhance Central Valley Project water supplies. For lands used to farm: small grains, irrigated pasture, alfalfa, and annual row crops. There is a fall/winter program and a spring/summer breeding habitat program. There is no information about the amount of the incentive; but the overall program is limited to two million per year.

7. Pending Projects Memo.

This item is for Commission information only; are there any questions or comments of staff?

8. Public Hearing on Proposed Amendment to the City of Stockton General Plan.

Call on Margit.

MARGIT: The planning staff of the City of Stockton has submitted a proposed amendment to the City of Stockton's General Plan to bring that General Plan into conformance with the Commission's adopted Plan. The City decision makers are concurrently reviewing the proposed amendment. The Planning Commission reviewed and approved the proposed amendment at their meeting of November 14, 1996. Consideration by the City Council has not yet been scheduled by the staff is attempting to schedule the matter before the end of the year.

The proposed amendment is simple and straightforward. The amendment states that future changes to the City's General Plan and Zoning Code for lands in the Primary Zone shall be consistent with the goals of an comply with the Commission's adopted Plan.

I am pleased to introduce \_\_\_\_\_ from the City of Stockton who is available to answer any questions. I also want to thank Richard Larrouy who has worked on this at the City.

- CHAIR:
1. Ask for Commission questions.
  2. Open the Public Hearing
  3. Close the Public Hearing
  4. Ask for Commission Comments
  5. Direct staff to prepare recommendation for vote at next meeting.

9. Briefing and Consideration of Position on Hunting on East Bay Regional Park District Water-Covered Lands in Big Break, Contra Costa County.

Call on Staff.

MARGIT: At the last meeting, Commissioner Calone raised concerns about EBRPD's policy on hunting on its newly acquired lands at Big Break in Contra Costa County. You have before you a brief staff report which summarizes the situation to date.

Bob Doyle at EBRPD told me yesterday that the District has acted to control access to the upland portion of Big Break; i.e. people were driving on the District lands and parking

there without permission. In addition, there were blinds accessible from the upland areas via boardwalks; those boardwalks have been removed to protect the District from possible liability. Mr. Doyle said hunting from a boat in the water-covered areas would be allowed in conformance with State law. He said there had been no questions asked about seasonal use of floating blinds in the water areas. Mr. Doyle did raise concerns associated with the changing nature of the lands surrounding Big Break, noting that new houses are being built in the area, changing the nature of the shoreline from rural to suburban.

In addition, since preparing the report I talked to several additional agencies. At State Lands Commission, Jane Sekelsky, legal counsel, indicated there may be some State public trust interest on some of the lands at Big Break. However, no detailed analysis has been carried out to date and none is planned. She indicated that hunting on water covered lands is consistent with public trust uses, but a responsible agency could manage public trust lands as deemed necessary to protect public health and safety.

I also talked with the local DFG warden, Jackie Krug. She said that hunting on land requires the permission of the land owner. If the landowner does not allow hunting, NO HUNTING signs must be posted for DFG to enforce. If hunters access a water-covered area by boat via waterways, the DFG does not issue tickets. She did not have any information about blinds in the water areas. She understood that the blinds in the water areas would be allowed to remain this hunting season, but only floating blinds would be allowed next year--meaning no pilings would be allowed between the blind and the mud below the blind.

When I spoke with Bob Doyle, he apologized that no one could attend tonight's meeting and suggested that if the Commission needs more information, a future briefing by District staff could be scheduled.

10. Briefing on Phase One of Study of Volume of Material and Costs to Bring Delta Levees to Corps' PL-99 Standard.

Call on Margit.

MARGIT: As you may recall, the Commission directed staff to research the issue of how much material and the costs of that material would be required to bring Delta levees to the Corps' PL-99 standard. The staff report before you summarizes staff actions to this end and the findings of this research.

Curt Schmutte of DWR is assisting CALFED with the preparation of a Deltawide levee program. We spoke yesterday in response to my letter to Lester Snow dated

October 28, 1996. He said that CALFED is only preparing general estimates to levee work because CALFED is preparing only program-level analysis at this time. To this end, they have settled on some estimated costs and volumes. They will be using the cost estimate of \$5 per cubic yard for levee construction material and an estimate of 100,000 cubic yards of material per mile of levee to meet PL-99. That results in a rough cost of \$500,000 per levee mile. This figure does not include engineering, mitigation, permitting, or other associated costs.

The Commission's Levee Subcommittee heard a report on this from staff at the October Subcommittee meeting and suggested that the cost of preparing detailed island by island cost estimates, as described by Dante Nomellini of Central Delta Water Agency, was too steep for the Commission's budget.

Based on the response from CALFED, it is not yet timely to prepare detailed estimates. Your staff will continue to participate in the CALFED levee process and report to you on those matters, and try to track the RDs that do prepare such estimates at their own cost, and keep a log of those RDs.

NOTE: There is NO ACTION scheduled on this item.

11. Consideration and Possible Adoption of Position of Support for San Joaquin County's Proposed Sludge/Biosolids Ordinance.

Call on MARGIT.

MARGIT: As you know, San Joaquin County staff has prepared a draft ordinance regulating application of sludge through out the County. The draft ordinance includes a prohibition on placement of sludge in the Primary Zone of the Delta, and the language is consistent with P-3, which the Commission recently adopted. The Commission should determine if it would like to take a position of support for that portion of the proposed ordinance which is in conformance with the Commission's adopted policy and regulation.

NOTE: Suggested action is prepare a letter of support.

- CHAIR:
1. Ask for Commissioner questions.
  2. Ask for Public Comment.
  3. Ask for Commissioner discussion.
  4. Needs MOTION, SECOND; and VOICE VOTE.

12. Commissioner Comments.

CHAIR: Are there any Commissioner comments or announcements?

13. Adjourn.